

09/587,204

MS147672.1

### REMARKS

Claims 1-39 are currently pending in the subject application and are presently under consideration. Claim 1-36 and 38-39 have been amended herein. The limitations of claim 37 have been incorporated into independent claim 34 - claim 37 has been cancelled without prejudice or disclaimer. A complete listing of the claims is at pages 2-8.

The drawings have been amended herein to remedy minor informalities. Replacement sheets incorporating the aforementioned amendments are submitted herewith.

Favorable consideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### I. Objection of Drawings

Fig 4a, Fig. 4d, Fig. 6 and Fig. 7b stand objected to for minor informalities. Withdrawal of this objection is respectfully requested in view of the herein amendments to these figures.

#### II. Rejection of Claims 1-6, 14-18, 22-34, 37 and 38 Under 35 U.S.C. §102(b)

Claims 1-6, 14-18, 22-34, 37 and 38 stand rejected under 35 U.S.C. §102(b) as being anticipated by Cheston, *et al.* (U.S. 6,412,025). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Independent claims 1, 17, 26 and 34 have been amended herein, and it is believed that amendments render the rejection of such claims moot. Regarding independent claim 24, Cheston, *et al.* does *not* describe *each and every* limitation set forth in the subject claim.

A single prior art reference anticipates a patent claim only if it expressly or inherently *describes each and every limitation* set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002). "A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently *described* in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

09/587,204

MS147672.1

**Claim 1**

Independent claim 1 has been amended to recite the first computer configures a network interface based on *modifying* at least one *stored configuration* associated with the received network information. Cheston, *et al.* does not describe such claimed aspects. Rather Cheston, *et al.* discloses that a *previous IP address* is employed upon re-attaching to an entry point of a network or a *new IP address* is obtained when a new connection (e.g., connecting to a different entry point) is established with the network. (See Abstract; col. 4, lines 10-16; and col. 6, lines 38-52 (Fig. 4)). For example, Cheston, *et al.* discloses a log that is updated with a current IP address to provide a history of *previous and current IP addresses* that can be employed upon re-attaching to a previously attached to entry point. (See col. 7, lines 4-14). In another example, Cheston, *et al.* discloses employing a DHCP server to obtain a *new IP address* when attaching to a new entry point. However, Cheston, *et al.* is silent regarding utilizing a *modified stored configuration* to determine network interface configuration, as recited in the subject claims. } A1

**Claim 17**

Independent claim 17 recites a network comprising a plurality of network systems wherein respective network systems include a delay timer with a *delay time based on a value of an associated address*. Cheston, *et al.* does not teach or suggest a delay timer *delay time* that is *based on a value of an address* associated with the network system, as recited in the subject claims. } A2

**Claim 24**

Claim 24 recites *means for configuring a network interface* before a network identification has been established based upon the response from a network. As disclosed in the subject specification, at least one means includes a first computer configuring a network interface based on *modifying a stored configuration* associated with received network information. Cheston, *et al.* does not describe such aspects, as discussed *supra* in connection with independent claim 1. } A3  
before

09/587,204

MS147672.1

**Claim 26**

Independent claim 26 recites a system comprising a *multiple internet protocol configurations (MIPC) service* that *matches* the at least one *configuration* associated with the first computer with a *network identification* associated with information received from the second computer, wherein the *match* facilitates the first computer in *configuring a network interface*. Cheston, *et al.* does not teach or suggest such claimed features of applicants' *invention*. Cheston, *et al.* discloses employing a DHCP server to obtain a *new IP address*. However, DHCP servers do not *match* stored network *configurations* associated with a first computer with a *network identification* associated with information received from a second computer to determine network configuration. Rather a DHCP server generates IP addresses for terminals after receiving a request for an IP address. (See col. 3, lines 62-67). *AS*

**Claim 34**

Independent claim 34 has been amended to incorporate the limitations of claim 37 regarding a third *computer system* that *determines* an associated *network configuration* based on *communications from the first and second* computer systems. In the Office Action, it is contended that Cheston, *et al.* discloses such a system; however, the section referenced (Fig. 3) in Cheston, *et al.* does not mention a third *computer system* that utilizes *communications from first and second* systems to *determine network configuration*. Rather, the referenced section simply provides an example of a typical network, wherein various computers are attached to one of a plurality of servers/routers, the servers/routers in turn are coupled to a host and the network. The referenced section does not contemplate determining network configuration, as recited in the subject claims. *AS*

In view of the foregoing amendments and comments, it is respectfully requested that the rejection of independent claims 1, 17, 24, 26 and 34 (and claims 2-6 and 14-16, 18 and 22-23, 25, 27-33, and 38, which respectively depend therefrom) be withdrawn.

09/587,204

MS147672.1

**III. Rejection of Claims 7-11, 35 and 39 Under 35 U.S.C. §103(a)**

Claims 7-11, 35 and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cheston, *et al.* (U.S. 6,412,025) in view of LeMaire, *et al.* (U.S. 5,999,530). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. The combination of Cheston, *et al.* and LeMaire, *et al.* does not teach or suggest *all* claim limitations as recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness by a showing: there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; there must be a reasonable expectation of success, and the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. See MPEP §706.02(j).

Claims 7-11, 35 and 39 depend from independent claims 1 and 34, respectively, and LeMaire, *et al.* fails to make up for the aforementioned deficiencies of Cheston, *et al.* with respect to independent claims 1 and 34. LeMaire, *et al.* simply discloses a bridge that reduces unwanted WAN multicast packet traffic in a LAN *via* employing a filter based on information stored in a filtering database from WAN query and report packets and router-to-router packets. Accordingly, withdrawal of this rejection is requested.

**IV. Rejection of Claims 12-13, 19-21 and 36 Under 35 U.S.C. §103(a)**

Claims 12-13, 19-21 and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cheston, *et al.* (U.S. 6,412,025) in view of Romohr (U.S. 5,596,723). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Cheston, *et al.* and Romohr, individually or in combination, do not teach or suggest *all* claim limitations as recited in the subject claims.

Claims 12-13, 19-21 and 36 depend from independent claims 1, 17 and 34, respectively, and Romohr does not make up for the aforementioned deficiencies of Cheston, *et al.* with respect to independent claims 1, 17 and 34 (described *supra*). Instead, Romohr discloses a system that

09/587,204

MS147672.1

determines the most prevalent operating system services and protocols of a network and then configures itself accordingly. Since the combination of *Cheston, et al.* and *Romohr* does not teach or suggest *all* the limitations of the subject claims, it is respectfully requested that the rejection of claims 12-13, 19-21 and 36 be withdrawn.

### Conclusion

The present application is believed to be condition for allowance in view of the above amendments and comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin  
Reg. No. 40,894

AMIN & TUROCY, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114

Telephone (216) 696-8730  
Facsimile (216) 696-8731

**RECEIVED  
CENTRAL FAX CENTER**

SEP 25 2003

**OFFICIAL**